Government of Madras

Development (1950) Dept

Ms Series

FOR MYSORE STATE

G.O. No. 2428

Dated — 16-6-50.

Despatch Abstract

States — Sanction — Debts relating to agriculture relief and money lending — Extension — Constitution of a Debt Conciliation Board for Sandur — Papers — Recorded.

I C.C. [illegible]

COPY of ~~letter~~ Government Memorandum No.54598 G/49-1, ~~Development~~, dated 3rd Juhe 1949.

...

Sub: States - Sandur - Megger - Extension of certain Provincial and Central Acts.

The Ruler of Sandur has signed the merger agreement agreeing to the merger of the State with the Indian Union with effect from 1-4-1949. The Government of India have also issued a notification delegating to this Government under the Extra-Provincial Jurisdiction Act necessary powers for the governance of the merged area, and the notification was published in an Extraordinary issue of theFort St. George Gazette dated 30-4-1949. The Director of Agriculture/Board of Revenue is requested to state urgently which of the acts noted in the margin* should be applied to the Snadur State, and with what modifications, if any.

*Central Act:
The Agricultural Produce(Grading and Marking) Act, 1937.
Provincial Acts:
The Madras Commercial Crops Market Act, 1933
Central Acts: The Usurious Loans Act, 1918.
Provincial Acts: The Madras Conciliation Act,1936
The Madras Pwnbrokers Act, 1943.
The Debtors Protection Act, 1934.
The Madras Agriculturists Relief Act, 1938.
The Madras Weights and Measrues Act, 1948.

: TRUE COPY :

II

COPY of Ref.No.W.5390/49-5 dated 20th July 1949 of the Board of Revenue Madras to the Secretary to Government, Development Department.

...

Sub: States - Sandur merger - Acts Extension - Report Called for.

Read:- Govt. ~~Memorandum~~ No.24513 FDV/49-2 ~~Firka Development~~ d/4-7-49.
Govt. Memo.No.31296 A/49-2 Revenue dated 6-7-1949.
From the Collector of Bellary D.Dis.7184/49 CC d/7-7-49
(copy sent to Government Direct)

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5. The Board submits that the reports called for in Government memorandum No54598 G/49-1 Development dated 3-6-1949, 24513 Firka Dev.V/49-2 dated 6-6-49 and Government Memo No.32763 F/49-1 ~~Revenue dated 6-6-49~~ will be submitted to Government on receipt of the final report called for from the Collector of Bellary which isawaited.

chave A

: TRUE COPY :

TSV

B Rama Rao
Superintendent.
24/8/49.

Copy of Board's reference No.W.5390/49-5 dated the 20th July 1949.

—

States - Sandur merger - Acts extension - Report - Called for.

Read: Government Memo No.24513/FD.V.49-2 Firka Development dated 4-7-1949. Dev 81934 K

Government Memo No.31296/A/49-2 Revenue dated 6-7-49. 9.8.49

From the Collector of Bellary D.Dis.7184/49-CC dated 7-7-49.

—

3. The Board invites the attention of the Government to their memo 32839-C/49-1 Revenue dated 7-6-49 and the letter D.Dis.7184/49-CC dated 7-7-49 from the Collector of Bellary (copy submitted to Government direct) and submits that all the five acts mentioned in the Government memo may be extended to the Sandur merged area with effect from 1-8-1949 (1st August, 1949) and that no modifications to the acts are necessary. The corresponding state enactments may be repealed.

4. With reference to Government Memo No.31296-A/49-2 Revenue dated 6-7-49, the Board submits that it has called for a report from the Collector of Bellary on the question of extending the acts mentioned therein and that its report to Government will be submitted on receipt of the report from the Collector.

5. The Board submits that the reports called for in Government Memoranda 54598/G/49-1 Development dated 3-6-1949, ~~24515-Firka-Development-V.49-2 dated 6-6-49 and Government Memo No.32763-F/49-1 Revenue dated 6-8-49~~ will be submitted to Government on receipt of the final report called for from the Collector of Bellary which is awaited

*****

Extract from Note File.

—

Rev. (C and F), Dev., and Fir. Dev. are concerned with paras 3 and 5 of the Board's reference at p.10 C.F. Relevant extracts may be given to them for necessary action.

****

P.A.M.
22.7.49

M.G.M.
2.8.49

20.

Dev Dept.

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT
1 - AUG 1949
DEVELOPMENT DEPARTMENT

Supdt Revenue (A)

Rev. no. 81291 Rev 49-3
5-8-49

Dev Dept.

✓ Copy at 'A' on p1 of the

This is only a copy of the report ~~of the Collector~~ Dept. No action is called for on this. ~~This may be filed~~ Board may await its report as already intimated.

p2 nf

Dev 89906

Extract from Collector's Report Ref No. 5346 /49-C.C. dated 4.6.49.

*** ****

10. Extension of Laws. Generally the laws of Mysore State were brought into force in Sandur by proclamation of the Ruler. As it exists to-day a list of Acts which are in force in Sandur is enclosed. Now that the state is merged with this Province, the Government may repeal the above enactments and proclaim such of the acts necessary for immediate governance.

Extract of Board's remarks No. W.4366/49-2 dated 14.7.49.

A | 5. Extension of Provincial and Central Acts:- The Collector of Bellary has been asked to submit a detailed report regarding the extension of the Provincial and Central Acts to the Sandur Area. The Board ~~xx~~ submits that pending the extension of the Acts in force in this Province, the existing State laws may be allowed to continue.

PUBLIC (POLITICAL) DEPT.

B | The Procedure adopted in the case of Pudukkottai and Banganapalle, ~~Banganapalle~~, was that each Department of the Secretariat took the necessary action for the extension of the Central and Provincial enacments in consultation with this department and the Legal Department. The same procedure may be followed in the case of Sandur also.

Copies of this section may therefore be given to all the Departments of the Secretariat for necessary action. They may be requested to follow the same policy as in the case of the two states viz., Pudukkottai and Banganapalle. Actually, a number of laws have already been extended to the State with reference to the instructions in the U.O. Note at flage (B).

DEV. DEPT.

To A.S

Copies may be given to all sections for necessary action.

Devt Dept

Please see the extracts above
necessary action to be taken

V.K.R. 12/8/49.

(TRUE COPY).

Re laws to be laundered that with which Kin Letter
is Concerned is being taken in Consultation with the Board
of Revenue - No action is called for at present.
The Board's report may be awaited with the Revenue
Statistics.

REVENUE DEPARTMENT
Subject.

STATES - Sandur - Extension of Acts - Report - Submitted.

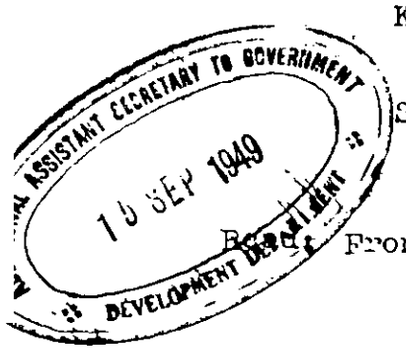
Station: Madras. Ref. W.5390/49-6. Dated 13-9-1949.

From

K.N. Anantaraman, Esq., I.C.S.,
Secretary, Board of Revenue.

93542k
15-9-49

S. Ranganathan, Esq., I.C.S., Commissioner of Land Revenue.



From the Collector of Bellary Rc.7194/49 dated 14-7-1949.

Reference:

A copy of letter dated 14-7-1949 from the Collector of Bellary is submitted to the Government with reference to their Memorandum 54598/G-49-1 Development, dated 3-6-1949.

2. The Board submits that all the acts mentioned in the Government Memo dated 3-6-1949 may be extended to the Sandur merged area with effect from 1-10-1949 by which time the state debt Conciliation Board would have disposed of pending cases under the State enactment corresponding to the Madras Debt Conciliation Act of 1936. No modification or alterations to the Acts are suggested.

xx xx xx

xx xx xx

for SECRETARY.

To The Secretary to Government, Development Department, Fort St. George (paras 1 and 2) with enclosure.
To The Secretary to Government, Legal Department, Fort St. George (para 3 only).
To The Secretary to Government, Home Department, Fort St. George (para 4 only) with enclosure.
To The Collector of Bellary (paras 5-7 only).

VSS.13.9.

Copy of letter Ref.C.No. 7194/49 dated 14-7-1949 from the Collector of Bellary.

States - Sandur - Merger - Acts - Extension of - Details.

Ref: Board's Ref.W.No.5390/49-1 dated10-6-1949.

1/ The following statement shows the Central and the Provincial Acts and their parallel acts in force in Sandur.

Central Acts.	Parallel Sandur Act.
1) The Usurious Loans Act 1918	No parallel Act.
Madras Acts 2) The Madras Debt Conciliation Act 1936	The Sandur Debt Conciliation Act I of 1936 as amended by Act IV of 194-4
3) The Madras Pawn Brokers Act 1943	No parallel Act.
4) The Madras Agricultural Relief Act 1938	.do.
5) The Madras Debtors Protection Act of 1934	.do.
6) The Madras Weights and measures Act 1948	The Sandur Weights and Measures Act VII of 1939.

X

2/ I do not suggest any modifications, alterations, additions or omissions to the Central or Provincial Acts. All the Acts noted above except the Madras Debt Conciliation Act 1936 may be brought into force with effect from 1-941949. There is a Debt Conciliation Board now functioning in Sandur. I have requested the Board to dispose of all pending proceedings before 30-9-1949. The Madras Debt Conciliation Act of 1936 may be brought into force with effect from 1-10-1949.

3/ In the reference cited above, the Board has asked me to examine the question of extending all the Central and Provincial Acts now in force in this province, and to submit a report suggesting modifications, alterations to suit conditions in Sandur with copies of Parallel acts, if any, in force in Sandur. I have requested the Sarkar Vakil, Sandur, to examine the question and to submit a report. He wants time till 15-8-1949, so as to enable him to go thoroughly into the rather comprehensive question. I, therefore, request that time till 25-8-1949 may be granted to me to submit my report in the matter. I have asked the Special Officer, Sandur, to submit one set of all parallel laws now in force in Sandur. I shall send the same to Board on receipt.

.True copy.

for Secretary.

VSS.13.9.

L.N.

11932y
8-12-49

REVENUE DEPARTMENT.

Subject:

STATES - Sandur Acts - Extension of - Report - Submitted.

Ref.W.5390/49-8 Station: M a d r a s. Dated 6th December 49.

From

Sri C.V. Narasimhan, I.C.S., Secretary, Board of Revenue.

Sri S. Ranganathan, I.C.S., Commissioner of Land Revenue.

p 12 infra
not printed
Not received -

Read: From the Collector of Bellary C.7194/49 dt.28-9-49.
Govt.Memo.Rev.Dept.32869/K.47-4 dt.26-10-49.
do. 45677/G.Home,dt.6-6-49.
From the Collector of Bellary D.Dis.6981/49 dt.12-7-49.
do. Rc.7194/49 S1 dt.21-10-49.

...

REFERENCE:

p.7 above
p.12 infra
not printed

Submitted to the Government in continuation of para 2 of the Board's Reference W.5390/49-6 dated 13-9-49. In the circumstances now stated by the Collector of Bellary the Board agrees with him and recommends the extension of the Madras Debt Conciliation Act to the Sandur merged area and the constitution of fresh Debt Conciliation Boards under the Madras Act to dispose of the old cases pending under the Sandur enactment and also cases that may be instituted in future.

* ** ** **

for SECRETARY.

To

The Secretary to Government, Development Department (para 1 only) with enclosure.
The Secretary to Government, Revenue Department (para 2 only) with enclosure.
TheSecretary to Government, Home Department (paras 2 and 3 only) with enclosures.

PLG/7/12.

P.T.O

: 2 :-

Copy of letter No.C.7194/49.S.1 dated28-9-49 from the Collector of Bellary to the Secretary, Board of Revenue.

...

STATES - Sandur - Debt Conciliation Board for 1948-49 - Functioning of - Report - submitted.

Read: Spl.Officer's Roc.4277-49-B(SO) dt.20-9-49. Not received
Ref:This office R.C.7194/49 dt.14-7-49. p.9 above

...

In the reference cited above, I had proposed the extension of Madras Debt Conciliation Act 1936 to Sandur with effect from 1-10-49 on the presumption that all the pending cases would be disposed of by them as requested by me. Now the Special Officer, Sandur reports that the members of the Debt Conciliation Board are not willing to function and that the term of office of the Board expired by 1-7-49. There are at present 25 cases to be disposed of with reference to the law obtaining in Sandur. As it is not possible to constitute a Board and get the cases disposed of before 30-9-49, I suggest that the Madras Debt Conciliation Act of 1936 may be brought in force in Sandur from 1-10-49 providing a saving clause for the disposal of the pending cases.

para 2 on p 7 above

Not put up

(sd) x x x
for Collector.

/True copy/

FOR SECRETARY.

PLG/7/12.

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1 Share
for
7/1/50

9/9/1

Dev. Dept 13

Memo. no: 81370-K/49-5 dy. 7-1-50.

Subj:- States – Sandur – Merger – Application of Acts.

Ref:- From the Board of Revenue, W. 5390/49-8 dy. 6/3/49

In its reference cited, the Board of Revenue has recommended the extension of the Madras Debt-Conciliation Act, 1936, to the merged State of Sandur and the constitution of a fresh Debt-Conciliation Board under the Act to dispose of old cases pending under the Sandur Debt-Conciliation Act, 1936. The Madras Debt-Conciliation Act, 1936, has been extended to Sandur with effect from 1-1-50. Under sec. 4-A(2) of the Madras Debt-Conciliation Act, 1936, all applications received by a Board constituted under the Act and not finally disposed of by it before it ceased to exist, will be deemed to have been dismissed. The Board of Revenue is requested to state whether there is any similar

2 114

11/P

provision in the Sandur Debt Conciliation Act, 1936, and to furnish a copy of the Act. The Board is also requested to state whether a provision for disposing of old cases, if any, pending under the corresponding State enactments in Banganapalle and Pudukkottai is necessary in the case of the merged States viz., so that a comprehensive legislation covering all the three States may be undertaken for the purpose. A very early reply is requested.

5/1/50. 5/1/50

6/1/50

7-1-50

To the Board of Revenue

R.D 30-1-50

G.R. issued on 31.1.50
N.R. 2.50
15-

G.R. issued on 16.1.50
N.R. 2.3.50

81370/49 | 14788-15

22.2.50.

REVENUE DEPARTMENT.

Subject:

STATES -Merger - Banganapalli - Extension of the Madras Debt Conciliation Act, 1936 - Modifications - report - submitted.

Ref.W.5390/49-11 Station: M a d r a s. Dated 20th February 50.

From

Sri A.F. Mascarenhas, Secretary, Board of Revenue.

...

Sri W.R.S. Sattianathan, ICS.,
Commissioner of Land Revenue.

...

Read: Govt.Memo No.81370/K.49-5 Dev.dt.7-1-50.
From the Collector of Kurnool Rc.L.1364/50 dt.1-2-50.

...

REFERENCE:

Submitted to the Government with reference to their Memo dated 7-1-50.

2. The Collector of Kurnool has reported that no applications were filed ever since the constitution of the Debt Conciliation Board in the Banganapalli Estate upto the date of its merger.

3. The reports of the Collectors of Tiruchi and Bellary in the matter are awaited and a further report will be submitted to the Government on receipt of these reports.

** ** **

Dev. Dept

Submitted for perusal. The further report from the Board may be awaited till 15.3.50.

22.2.50. 22/2/50 23/2/50.

for SECRETARY.

To

The Secretary to Government, Development Department (paras 1 - 3 only)
The Collectors of Tiruchi and Bellary (para 4 only)

PLG/20/2.

Copy of letter No.L.1364/50 dated 1-2-50 from the Collector of Kurnool.

...

States - Merger - Banganapalli - Extension of the Madras Debt Conciliation Act, 1936 - Modifications - report - submitted.

Ref: Board's Ref.W.5390/49-10 dated 18-1-50.

...

The Deputy Tahsildar, Banganapalli reports that no applications were filed ever since the constitution of the Debt Conciliation Board in Banganapalli state upto the date of its merger.

P.T.O.

Copies of relevant state notifications (Viz. Notifications No.XXXVI of 1945 and XXXVII of 1945) and a copy of state proceedings No.556/46 C dated 11-12-1945 constituting a Debt Conciliation Board are submitted herewith.

The Banganapalli Darbar.
Notification.

No.XXXVII of 1945 Dt.11th Decr.1945.

Whereas it is expedient to extend to the Banganapalli state the Madras Debt conciliation rules;

Now therefore in exercise of the powers conferred by section 29 of the Madras Debt conciliation Act 1936 (XI of 1936) as in force in the Banganapalli state, and all other powers enabling them in that behalf the Darbar are pleased to apply mutatis mutandis to the Banganapalli state ~~as~~ the Madras Debt Conciliation rules 1937 subject to any amendments to which the said rules are for the time being subject in the Madras province.

2. The darbar are further pleased to direct that all the functions & exercisable by a Collector of a district under the said rules in the province of Madras shall be exercised by the Dewan in the state.

3. This notification shall come into force with effect from the 1st April 1946.

(sd) R. Krishnamachariar,
Dewan.

...

Copy of Proceedings of the Dewan of Banganapalli No.556/44 dt.11-12-45.

...

Laws and Regulations - Debt Conciliation Act and rules therunder.
Read: The correspondence resting with letter No.CB.538/44 dt.8-12-45 from the Secretary to the Hon'ble the Resident in Mysore.

Order: Notifications Nos.XXXVI and XXXVII of1945 are hereby issued for the information of the public.

Sd. R. Krishnamachariar,
Dewan.

The ---
The Banganapalli Darbar.
Notification.

No.XXXVI of 1945. Dt.11th Decr.1945.

Whereas it is expedient to amend the darbar's Notification No.XI of 1939 so as to make certain modifications to the Madras Debt Conciliation Act as in force in the state, Darbar are pleased to direct that the following further amendments shall be made in the said notification, namely:

Amendment:

For item 33 of schedule (2) the following entry shall be substituted namely:

"33 The Madras Debt Conciliation Act 1936(XI of 1936)	(1) In section 3 substitute the words "The Civil Sessions Judge or the Revenue Officer" for the words "subordinate Judge or a Deputy Collector"
	(2) After clause (V) of sub-section (1) of section 18 insert the following clause, namely:- "(v) the provisions of the Banganapalli Agriculturists' Relief Act, 1945 regulating the scaling down of debts of agriculturists."

Sd. R. Krishnamachariar,
Dewan.

/True copy/

FOR SECRETARY.

PLG/20/2.

81370/49 193

Revenue Department
Subject.

20795
10-3-50

STATES - Sandur - Merger - The Madras Debt Conciliation Act 1936 - Extension - Further information submitted.

Madras. Ref. W.5390/49-12. Dated 8-3-1950.

From

Sri N.C. Thomas, B.A., Joint Secretary,
Board of Revenue.

1950

Sri W.R.S. Satthianathan, I.C.S., Commissioner
of Land Revenue.

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pp. 13-14 above — Read: Government Memo 81370/K-49-5 dev., dated 7-1-50.
Board's Reference 5390/49-11 dated 20-2-50.
From the Collector of Bellary, D.Dis.C.2591/50
dated 23-2-1950.

Reference:

Submitted to the Government with reference to their pp. 13-14 above Memo dated 7-1-50.

(1) 2. The Board submits that there is no provision in the Sandur Debt Conciliation Act 1936 corresponding to section 4A(2) of the Madras Debt Conciliation Act 1936. A copy of the Sandur Debt Conciliation Act 1936 is enclosed for reference.

3. The report of the Collector of Tiruchirapalli in the matter is awaited and a further report will be submitted to Government on receipt of the Collector's report.

xx xx xx xx

9/3/50
for Joint Secretary.

To The Secretary to Government, Development Department,
Fort St. George (paras 1, 2 and 3) with enclosures.

To The Collector of Tiruchirapalli (para 4 only).

VSS.8.3.

Copy of letter D.Dis.C.2591/50 dated 23rd February 1950 from the Collector of Bellary.

A-t received. Ref: Board's Reference W.5390/49-10 dated 18-1-1950.

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(2) 1. There is no section in the Sandur Debt Conciliation Act 1936 (Act No. I/1936) corresponding to Section 4 A(2) of the Madras Debt Conciliation Act 1936. p. 184 IE Act Ld. S

2. There are at present 25 cases pending disposal. They were received during the years 1942-1948.

(1) 3. A copy of the Sandur Debt Conciliation Act 1936 is enclosed.

True copy-

Dep. Dept. Submitted for perusal. The Board's further report in the matter may be awaited till 28-3-50.
10/3/50 10/3/50 11/3/50

for Joint Secretary

REVENUE DEPARTMENT.
Subject.

STATES - Merger - Pudukotiah - The Madras Debt ConciliationAct 1936 - Extension - Report submitted.
x-x-x-

Issue
BR
7.6.50

Development Dept.

Memo. No. 81370-K/49-10 dated.- 7.6.50.

Sub:- Acts - Madras Debt Conciliation Act, 1936 - Constitution of a Debt Conciliation Board for Sandur.

Ref:- Correspondence resting with Board of Revenue's reference No. W.5390/49-14 dated 10.4.50.

The Board of Revenue is requested to submit proposals for the constitution of a fresh Debt Conciliation Board for Sandur under the Madras Debt Conciliation Act, 1936, for ~~disposing of~~ dealing with the pending cases. The Govt. do not, however, consider it necessary to undertake legislation in this regard.

To The Board of Revenue.

BR 30/5/50.

30/5/50.

PA 2/6/1950.

R.K.R.

Food Department. 1

Extracts from file bearing C.No.

To D.S.

~~The Memo at p.5 c.f has been issued.~~

2. This file deals with the application of the following Acts to the Sandur merged area--

1) The Usurious Loans Act, 1948(Central Act(.
~~2) The Madras Commercial Crops Markets Act, 1933.~~
3) The Madras Debtors Protection Act, 1934.
4) The Madras Debt Conciliation Act, 1936.
~~5) The Agricultural produce (Grading and Marking) Act, 1937 (Central Act).~~
6) The Madras Agriculturists Relief Act, 1938.
7) The Madras Pawnbrokers Act, 1943.
8) The MadrasWeights and Measurements Act, 1948.

This Department is now concerned with items (2) and (5) above, and the D.A. who was consulted in the matter has recommended their application to the Sandur merged area.

2. The Development Dept. is concerned with items (1), (3) (4) and (6) to (8) above, and the Board of Revenue which was consulted in the matter has stated that it will submit its report on receipt of the final report called for from the Collector of Bellary, which is awaited. Action may now be taken for applying the two Acts mentioned in items (2) and (5) at p.8 above with which this Dept. is concerend. A draft order, containing the notification, is submitted for approval.

3. An extract of this note, together with a copy of the Memo. at p.1 c.f. and a copy of the Board's reference at p.3 of Rt. file may be sent to Devt. Dept. for necessary action in respect of the Acts with which they are concerned.

4. After orders are passed, the file may be sent to Public (Political) for acceptance of thedraft order below and to Legal for scrutiny of the draft notification.

U.K.
3.8.48

D.54598P/49-3

Public(Political)
Legal

ADDITIONAL ASSISTANT SECRETARY TO GOVERNMENT
DEVELOPMENT DEPARTMENT
5-10-48

To Devt. Dept.

TRUE EXTRACT:

Dev 81370K
5-8-48

B Rama Rao
Superintendent

X 2

81370/49

Pent Dept

Extract of notes of Food Department on p1 above may be perused. The final report from the Board of Revenue may be awaited KH 20.8.49 Asp 1 cf

KP 11/8/49

[From the Board of Revenue Ref W. 5390/49-6. d. 13-9-49] 7 pcf

(Notes from p1 above).

With reference to your memo. on p1 C.F. the remarks of the Board of Revenue and the copy of the letter from the Collector of Bellary on pp 7-9 C.F. may be perused. The Board has stated that all the Acts mentioned on p1 above may be extended to Sandur State with effect from 1-10-49. It is submitted that Orders extending any Act under the Extra Provincial Jurisdiction Act, 1947 can be issued now. Attention is invited to the notes of Public (Poll) on p4 in the linked file below, wherein it has been stated that the question of issuing an Ordinance extending the Central and Provincial Acts to the merged States is separately under consideration and the decision arrived at will be communicated to the Departments of the Secretariat in due course. Further action now this file may lie over till 5-10-49 or till the promulgation of the Ordinance referred to above, whichever is earlier.

C.P. - F 45 27 K/49

19-9-49 KP 20/9/49

Thro' K(2) 19/9/49

Final orders regarding the question of issuing an Ordinance extending the Central and Provincial Acts to the merged States have not yet been received. This may,

The omission to sign is regretted 21/9/49

8 I? 13/49

Therefore, Cartoone to lie over till 27-10-49 or till the receipt of further Communication from Pub. (Pol.) whichever is earlier.

5/10/49 LP 6/10/49

Pub. (Pol.) propose to extend to the merged States of Sandur, Banganapalle and Pudukkottai all the Provincial Laws which remain to be extended by promulgation of an Ordinance and have called for from the Depts. of the Secretariat a list of the Provincial Laws which remain to be extended to the merged States. A list of all such laws, so far as this Section is concerned, has been furnished to that Dept. The issue of the Ordinance by Pub. (Pol.) may be awaited till 15.11.49.

2 - (M) S 103402 K/49 dt. 6/10/49

pp. 3-4 of (M)

27.10.49 LP 27/10/49

(Note from xx on p. 2 above)

Pub. (Pol.) have since decided to introduce a Bill in the Provincial Legislature extending the laws to the merged States of Banganapalle, Pudukkottai and Sandur the laws which remain to be extended, and have called for from the Depts. of the Secretariat, for this purpose, a self-contained list of all Acts, Regulations, Ordinances etc. whether Central or Provincial, which have to be extended to the three merged States. The proposed legislation is to come into effect from 1.1.1950. In the circumstances, this may lie over till 10-1-1950 or till the proposed Bill is passed into an Act, whichever

No: 111465-K/49 Not put up

N

N

is earlier, i.e.

SR 15.11.49 LP 15/11/49 15/11/49

From the Board of Revenue, W.S 390/49-8 dt/- 6-12-49. pp 11-12 C

The file relates to the extension of the Acts relating to debt relief and moneylending in force in this Province to the merged State of Sandur. In its reference dated 13-9-49 to Govt., the Board of Revenue recommended the extension of the above Acts, including the Madras Debt Conciliation Act, 1936, to the merged State with effect from 1-10-49 by which time it hoped that all pending cases under the State Debt Conciliation Act would be disposed of. The Collector of Bellary since represented to the Board that the terms of the office of the Debt Conciliation Board constituted under the State enactment expired on 1-7-49 and that, as it was not possible to constitute a fresh Board and to have the pending cases disposed of before 1-10-49, the Madras Debt Conciliation Act might be brought into force in Sandur from 1-10-49 with a provision for a saving clause for the disposal of all pending cases. The Board agrees with the Collector and, accordingly, recommends: p. 11 C

(i) the extension of the Madras Debt Conciliation Act, 1936, to Sandur; and

(ii) the constitution of a fresh Board under the Act to dispose of old cases under the Sandur Act and also cases that may be instituted in future.

2. The recommendations of the Board are examined below:-

Item (i) in para 1 above:

It is proposed to undertake legislation to extend, with effect from 1-1-50, to the merged States of Ranganapalle, Pudukkottai and

pp 7-8 C [illegible] (MD 1034/42-K1149), 1-26-10 41 C

Sandur all Provincial Acts including the Madras Debt Conciliation Act, 1936, which remain to be extended and a Bill in this regard will be introduced shortly in the Provincial legislature. No separate relief is, therefore, called for in regard to the Madras Debt Conciliation Act, 1936.

Item (ii) in para 1 on p. 4 above:

Under section 4-A (2) of the Madras Debt Conciliation Act, 1936, all applications received by a Board constituted under the Act and not finally disposed of by it before it ceased to exist, shall be deemed to have been dismissed. It is not known whether there is a similar provision in the corresponding State enactment, viz. the Sandur Companies Debt Conciliation Act, 1936. If there is such a provision in the Sandur Act, then all applications pending on the date on which the Sandur Debt Conciliation Board ceased to function would be deemed to have been dismissed and the question of providing for a saving clause for their disposal does not arise. In such cases, the applications will have to be made afresh. If, however, there is no such provision in the Sandur Act, it seems necessary to provide for the disposal of all pending cases by a fresh Board constituted under the Madras Act after the Act has been extended to Sandur. In view of the urgency of the matter (the proposed Bill will be introduced shortly), it may not be possible now to clarify the position in consultation with the Board which may have, in its turn, to consult the Collector of Bellary. In any case, there seems to be no harm in providing for a saving clause in the

proposed Bill for the disposal of all pending cases under the Sandur Debt Conciliation Act, 1936, by a fresh Board constituted under the Madras Act. Legal may be requested to advise and, if necessary, to include a provision to the above effect in the draft bill.

X

10/12/49. KP
10/12/49

Legal

Dev. Dept. No. 10. 81370-K/49. S dy. 10-12-49.

Legal Department.

It seems desirable to clarify A on the previous page first, for, if there is such a provision and the Board ceased to exist so long ago as 1-7-1949, legislation on the lines indicated at X above will mean reviving proceedings which ~~have~~ stood terminated more than five months ago — a course which does not seem quite proper. It may also be ascertained whether similar provision is necessary in the case of the two other merged States, namely, Pudukkottai and Banganapalle so that, if necessary, a comprehensive legislation on the point covering all the three States may be undertaken.

ASSISTANT S[illegible] 5-2s-pm 10DEC1949 16s-4d LEGAL D[illegible]

B

17.12.49 16/12/49 JS

I presume the extension of the Madras Debt Conciliation Act, 1936, as proposed in our Bill can stand. Please examine this at once. KM. 17/12/49

The point raised by Secretary was considered and it was felt that the extension of the Madras Debt Conciliation Act, 1936, as proposed in the Bill might stand. Development may see this Department's note above and if they consider that any provision is necessaryin the above Act in its application to, the merged States, they may be requested to take steps for undertaking the necessary legislation.

Legal no no 16541/49 30/12/49

29.12.49 JS 452 P.I.P. 29/12/49

KM. 30/12/49

3 JAN 1950 Dev. Dept.

Dev. (K) Dept.

(Notes from p. 4 above)

The Board of Revenue may be consulted on the points raised by Legal Dept. on p.6 above. Subject to orders, a draft Memo. to the Board of Revenue is submitted for approval.

5/1/50. 5/1/50 6-1-50 7-1-50

(Issued as Memo No. 81370-K/49-5 dt. 7-1-50)

from the Board of Revenue, Nos. W.5390/49-11 dated 20.2.50, W.5390/49-12 dated 8.3.50 and W.55 5390/49-14 dated 10.4.50.

Notes from page 4 above may be read. It has been ascertained from the Board of Revenue that there is no provision in the Sandur Debt Conciliation Act, 1936 (copy of Act at flag (U)) corresponding to section 4A(2) of the Madras Debt Conciliation Act, 1936, that no applications were filed ever since the constitution of the Debt Conciliation Board in Banganapalle ~~upto the date of its merger~~ and that no law corresponding to the Madras Debt Conciliation Act, 1936, was in force in Pudukkottai prior to its merger. As there is no provision in the Sandur Debt Conciliation Act, 1936, corresponding to section 4A (2) of the Madras Act, it seems necessary to provide for the ~~disposal of all pending cases in Sandur by a fresh Board~~ constituted under the Madras Act. No such provision is, however, necessary in the case of Banganapalle and Pudukkottai Legal may see with reference to their notes on page 6 above and they may be requested to ~~enlighten~~ advise this Dept. as to the manner in which legislation to give effect to the proposal at 'A' above should be undertaken, i.e., whether by an amendment of Madras Merged States (Laws) Act, 1949, or otherwise.

ASSISTANT SECRETARY 6104 21 APR 1950 LEGAL DEPARTMENT

17-4-50 17/4/50 M 20-4-50 Legal

Dev. Dept. No. No. 81370-K/49-7 dated 20.4.50.

8

LEGAL DEPARTMENT

I have carefully considered the matter. It does not seem advisable to undertake legislation only for the limited purpose of keeping alive applications filed in Sandur before the Debt Conciliation Board in that State ceased to exist. 1-7-49. The parties concerned may perhaps invoke section 6(2) of the Madras Merged State (Laws) Act and ask for the disposal of their petitions by the new Board constituted under the Madras Act and if Courts do not agree to that course, file fresh petitions.

p 2 y (R)

KP 25/5/50 I agree. A new Board may be constituted by Govt for dealing with these pending applications. It is not likely that its competency to deal with them will be questioned! KMK 28/5/50.

46179 26-5-50. Dev. Dept

Legal no. no. 610/50 24/5/50

(Summarising note) Dev. Deptt

In connection with the extension of the Madras Debt Conciliation Act, 1936, to the merged State of Sandur, the Board of Revenue reported that the term of office of the Debt Conciliation Board constituted under the Sandur Debt Conciliation Act, 1936, expired on 1.7.49 and recommended that, as it was not possible to constitute a fresh Board to have the pending cases disposed of before 30/9/49, the Madras Debt Conciliation Act, 1936, might be brought into force in Sandur from 1.10.49 with a provision for the disposal of all pending cases by a fresh Board constituted under that Act. Under section 4-A(2) of the Madras Debt Conciliation Act, 1936, all applications received by a Board constituted under the Act and not finally disposed of by it before it ceased to exist, shall be deemed to have been dismissed. As it was not known whether there was a similar provision in the Sandur Debt Conciliation Act. 1936, (the corresponding state enactment) the Legal Dept. considered

p 18 I.F. Act I ... 5

(11)/A

that the Madras Debt Conciliation Act, 1936, might be extended to Sandur with effect from 1.1.50 along with other Acts and that the question of undertaking legislation for providing for the disposal of all pending cases by a fresh Board constituted under that Act might be examined separately after verification of the point raised at 'A' on page 8 above. The Madras Debt Conciliation Act 1936, has, accordingly, been extended to Sandur, along with other Acts, by the Madras Merged States (Laws) Act, 1949. It has since been verified that the Sandur Debt Conciliation Act, 1936, does not contain any provision similar to that in section 4-A(2) of the Madras Debt Conciliation Act, 1936. ~~As it was therefore necessary~~ In order to provide for the disposal of all pending cases in Sandur by a fresh Board constituted under the Madras Act, the Legal Dept. were consulted as to the manner in which legislation to give effect to the proposal should be undertaken. Legal Dept., after reconsideration of the matter, have advised that it is not necessary to undertake legislation only for the limited purpose of keeping alive applications filed in Sandur before the Debt Conciliation Board in the State ceased to exist and that a fresh Board may be constituted for dealing with them. Attention is invited to the remarks of the Joint Secretary and the Secretary, Legal Dept., on page 8 above. In view of the remarks of the Legal Dept., a fresh Board may be constituted for Sandur under the Madras Debt Conciliation Act, 1936, for dealing with the pending cases and proposals in this regard may be called for from the Board of Revenue. Subject to orders, a draft Memo. to the Board of Revenue is submitted below for approval. The file may now be circulated to H.M. (Agri.) and H.M. (E.& L.) ~~may see before issue~~ for approval of the draft memo below.

30.5.50

30/5/50

PA 2/6/1950

DS 3.6.50

SECRETARY TO GOVERNMENT 6 JUN 1950 DEVELOPMENT DEPARTMENT

(Issued as Memo. No. 81370-K/49-10 dtd. 7-6-50)

10

Dev. Dept.

The Memo. on p. 21 cf has been issued. No further action is called for in this file. The papers may now be recorded as a G.O.Ms. with a call Book entry against 18-7-50 with reference to the first sentence of the Memo. on p. 21 cf.

12.6.50.

12/6/50

13/6/1950

✓ Entered as item No. 442 in the Call Book.
16.6.50.

G.O.Ms. No 2428 Dt. 16-6-50.

States — Sandur — Debt relating to debt-relief and money-lending — Legislation — Constitution of a Debt-Conciliation Board for Sandur — Papers ~~regarding~~ Recorded.

Put up paper (11)

(C.No. 81.70 k...

The Sandur Debt Conciliation Act, 1936

(No. I of 1936)

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The Sandur Debt Conciliation Act, 1936

(No. I of 1936)

An Act to make provision for the setting up of Debt Conciliation Boards to relieve agriculturists from indebtedness in the Sandur Raj passed by Raja Shrimant Yeshwantrao Hindurao Ghorpade, Mamlakatmadar, Senapathi, Ruler of Sandur, on the 21st January 1936, being the year two hundred and eight of the Hindurao Shaka.

Preamble.

Whereas it is expedient to relieve agriculturists from indebtedness by amicable settlement between them and their creditors, *We* are hereby pleased to enact as follows:—

Short title, extent, and commencement.

1. (i) This Act may be called THE SANDUR DEBT CONCILIATION ACT, 1936.

(ii) It extends to the whole of Sandur State.

(iii) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) 'Holder' means with reference to any land, an occupant, a lessee, tenant, or mortgagee with possession;

(*b*) 'holding' means—

(i) a parcel of land separately assessed to land revenue; and

(ii) in reference to land held by a tenant—a parcel of land held from a landlord under one lease or set of conditions;

(*c*) 'Village' includes any tract of land which at the last revenue-survey of such land has been recognized as a village, or which *Our* Government may by notification, declare to be a village for the purposes of this law; and

(*d*) 'Agriculture' includes—

(i) the raising of annual or periodical crops and garden produce;

(ii) horticulture;

(iii) the planting and upkeep of orchards, and

(iv) the reserving of land for fodder, grazing or thatching grass;

(*e*) 'Board' means a Debt Conciliation Board established under sub-section (i) of Section 3;

(*f*) 'Creditor' means a person to whom a debt is owing and includes the Agricultural Bank.

(*g*) 'Debt' includes all liabilities owing to a creditor, in cash or kind, secured or unsecured, payable under a decree or order of a civil court or otherwise, whether due or not due, but shall not include arrears of wages, land revenue or anything recoverable as an arrear of land revenue, or any money for the recovery of which a suit is barred by limitation;

(*h*) 'Debtor' means a person who earns his livelihood mainly by agriculture and who is a holder whose debts exceed Rs. 25.

(*i*) 'prescribed' means prescribed by rules made under this Act.

Establishment of Debt Conciliation Board.

3. (i) *Our* Government may establish a Debt Conciliation Board for one village, a group of villages or the whole State. Such Board shall consist of a Chairman and two or more members, not exceeding five, including the Chairman, to be appointed by *Our* Government which may for reasons to be recorded in writing, cancel any appointment and dissolve any Board.

(ii) The Chairman and every member of a Board so established shall be appointed for a term not exceeding one year. Such Chairman or member may, on the expiration of the period for which he has been appointed be again appointed for a further term not exceeding one year.

(iii) A Board shall have such quorum as may be prescribed.

(iv) Where the Chairman and members of a Board are unable to agree, the opinion of the majority shall prevail. Where the Board is equally divided the Chairman shall have a casting vote.

Application for settlement between debtor

4. (i) A debtor or any of his creditors may apply to the Board appointed for the area in which any holding, or village of

the debtor, or any part thereof, is situate, to effect a settlement between the debtor and his creditors: and his creditors.

Provided that no application shall be made if the debtor's debts exceed one thousand rupees or such large amount as may be prescribed for each area.

(ii) No debtor or creditor shall simultaneously make more than one application, and where applications have been made by the debtor and any of his creditors, the applications made by the creditors shall be merged in the application made by the debtor.

Provided further that subject to the financial limits prescribed, notwithstanding any other provision in any act, all suits and execution proceedings on the file of the District Munsif, the Sub-Judge, and District Judge up to the date of Huzur's assent of this enactment be transferred to the Conciliation Board for disposal according to this Act.

Verification of application.

5. Every application to a Board shall be in writing and shall be signed and verified in the manner prescribed by the Sandur Code of Civil Procedure, 1931 (Act XV of 1931), for signing and verifying plaints.

Particulars to be stated in application.

6. (i) Every application presented by a debtor to a Board shall contain the following particulars, namely:—

(*a*) a statement that the debtor is unable to pay his debts.

(*b*) the place where he resides:

(*c*) the amount and particulars of all claims against him together with the names and residences of his creditors, and in the case of a creditor who is a minor or lunatic, the name of his guardian or the person in whose charge the property of such creditor is, so far as they are known to, or can, by the exercise of reasonable care and diligence, be ascertained by him; and

(*d*) the amount and particulars of all his property, including claims due to him, together with a specification of the value of such property not consisting of money, and the place or places at which any such property is to be found.

ii) Every application presented by a creditor shall contain the following particulars, namely:—

the place where the debtor resides; and

(*b*) the amount and particulars of his claim against such debtor.

Procedure on application.

7. (i) On receipt of an application under section 4, the Board shall pass an order fixing a date and place for hearing the application:

Provided that the Board may at any time dismiss the application if, for reasons to be stated in writing, it does not consider it desirable to attempt to effect a settlement between the debtor and his creditors.

(ii) Notice of the order under sub-section (i) shall be sent by registered post to the debtor or creditors, as the case may be.

Notice calling upon creditors to submit statement of debts.

8. (i) If, after examining the debtor, it is in the opinion of the Board desirable to attempt to effect a settlement between him and his creditors, a notice shall be issued and served or published in the manner prescribed, calling upon every creditor of the debtor to submit a statement of debts owed to such creditor by the debtor. Such statement shall be submitted to the Board in writing within two months from the date of service or publication of the notice, as the case may be:

Provided that, if the Board is satisfied that any creditor was, for good and sufficient cause, unable to comply with such directions, it shall extend the period for the submission of his statement of the debt owed to him.

(ii) Every debt of which a statement is not submitted to the Board in compliance with the provisions of sub-section (i) shall be deemed for all purposes and occasions to have been duly discharged:

Provided that, if a creditor proves to the satisfaction of the Board that the notice was not served on him and that he had no knowledge of its publication, or that he was prevented by any unforeseen or unavoidable difficulty or cause, the Board may revive the debt.

Procedure on submission of statement of debts.

9. (i) Every creditor submitting a statement of the debts owed to him in compliance with a notice issued under sub-section (i) of section 8 shall furnish, along with such statement, full particulars of all such debts and shall at the same time produce all documents, including entries in books of account, on which he relies to support his claims together with a true copy of such document:

Provided that, if the Board is satisfied that any creditor, was, for good and sufficient cause, unable to produce such documents along with the statement, it shall require them to be produced on a date fixed by it for the purpose; and

(ii) The Board shall, after marking for the purpose of identification every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the creditor.

(iii) If any document which is in the possession or under the control of the creditor is not produced by him as required by sub-section (i), the document shall not be admissible evidence against the debtor or his heirs in any suit brought by the creditor or by any person claiming under him.

Board to endeavour amicable Settlement.

10. The Board shall call upon the debtor and each creditor, respectively, to explain his case regarding each debt and shall endeavour to induce them to arrive at an amicable settlement.

Power of Board to require attendance of persons and production of documents and to receive evidence.

11. (i) Subject to the provisions of sections 132 and 133 of the Sandur Code of Civil Procedure, 1931 (Act XV of 1931) and to rules made under section 24 a *Board* shall have power to summon any person whose attendance it considers necessary either to be examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry under this Act.

(ii) Any person present may be required by a Board to give evidence or to produce any document then and there in his possession or power.

Agreement of amicable settlement, its registration and effect.

12. (i) If the creditors come to an amicable settlement with the debtor, such settlement shall forthwith be reduced to writing in the form of an agreement recording the amounts payable to such creditors and the manner in which and the times at which they are to be paid. Such agreement shall be read out and explained to the parties concerned, and shall be signed or otherwise authenticated by the Board and the parties:

Provided that, when an Agricultural Bank is one of such creditors, no settlement, in so far as it affects the debts owing to such bank shall be valid without the previous approval in writing of *Our* Government. Provided further that if the Board should deem fit, it may for sufficient reasons direct that a condition or conditions of the agreement may be modified in a particular manner before the agreement is reduced to writing finally.

(ii) An agreement thus made shall, within fourteen days from the date of its making, be registered under the Sandur Registration Act, 1931, (Act XIII of 1931), by the Chairman of the Board in such manner as may be prescribed and it shall then take effect as if it were decree of a Civil Court.

(iii) For the purpose of the registration of an agreement under sub-section (ii), the Chairman of the Board shall be deemed to be an officer of *Our* Government empowered to execute such agreement within the meaning of section 88 of the Sandur Registration Act, 1931.

(iv) Where, after the registration of an agreement under sub-section (ii) any creditor sues for the recovery of a debt incurred after the date of such registration, any decree passed in such suit shall, notwithstanding any thing contained in the Sandur Code of Civil Procedure, 1931, not be executed until all amounts recorded as payable under such agreement have been paid or such agreement has ceased to subsist.

Recovery of sums due under agreement.

13. (i) If a debtor defaults in paying any amount due in accordance with the terms of an agreement registered under sub-section (ii) of section 12, such amount shall be recoverable as an arrear of land revenue on the application of the creditor made to *Our* Government within ninety days from the date of default.

(ii) Where *Our* Government fails to recover as an arrear of land revenue any part of such amount, they shall certify that it is irrecoverable and thereupon the agreement shall cease to subsist.

(iii) Where an agreement ceases to subsist any amount which was payable under such agreement but has not been paid shall be recoverable as if a decree of a Civil Court had then been passed for its payment.

Power of Board to pronounce an award.

14. If no amicable settlement is arrived at under sub-section (i) of section 12, the Board shall proceed to give an award according to the rules to be framed by *Our* Government in this behalf, and such awards shall be registered and shall have the same effect as if it had been an agreement reached under sub-section (i) of section 12 of the Act.

Bar of Civil Suits.

15. No Civil Court shall entertain:—

(*a*) any suit in respect of

(*i*) any matter pending before a Board, or,

(*ii*) the validity of any procedure or the legality of any agreement made under this Act, or

(*iii*) the recovery of any debt recorded as wholly or partly payable under an agreement registered under sub-section (ii) of section 12 from any person who, as a debtor, was party to such agreement whether such agreement is subsisting or not, or

(*iv*) the recovery of any debt which has been deemed to have been duly discharged under sub-section (ii) of section 8, except a debt which is revived under the proviso to that sub-section;

(b) any application to execute a decree, the execution of which is suspended under sub-section (iv) of section 12.

Avoidance of certain transfers of debtors property.

16. Every transfer of property made, with intent to defeat or delay the creditors of the debtor, after an application has been made to a Board under section 4 and until the agreement, registered in respect of such application has ceased to subsist, shall be voidable at the option of any creditor so defeated or delayed.

Bar of appeal or revision.

17. No appeal or application for revision shall lie against any order passed by a Board.

Power of Board to review its order.

18. A Board may, on the application from any person interested made within ninety days of the passing of an order, review, any order passed by it and pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or reversed unless notice has been given to the persons interested to appear and be heard in support of such order.

Appearance of party before Board by agent but not by legal practitioner.

19. In any proceedings before a Board any party may be permitted to appear by an agent authorised in writing, but not by a legal practitioner.

Suspension of pending application or suit.

20. When an application has been made to a Board under section 4, any suit or other proceedings then pending before a Civil Court in respect of any debt for the settlement of which application has been made shall be suspended until the Board has disposed of the application.

Submission of reports by Boards regarding sums due to Government.

21. Where in the course of an inquiry into an application made under section 4 a Board finds that there is any sum owing to *Our* Government on account of loans advanced by them, the Board shall report this fact to *Our* Government.

Allowance of time for limitation.

22. In calculating the period of limitation for any suit filed in, or proceeding before, a Civil Court for the recovery of a debt which was the subject of any proceedings under this Act, the time during which such proceedings had continued shall be excluded.

Members of Board deemed to be public servants.

23. The members of the Board shall be deemed to be public servants within the meaning of the Sandur Penal Code, 1931.

Power to make rules.

24. In addition to any power specially conferred by this Act, *Our* Government may make rules:—

(*a*) prescribing the quorum for, and regulating the procedure before, the Board;

(*b*) prescribing the manner in which notices shall be issued and served or published under sub-section (i) of section 8;

(*c*) prescribing the charges to be made by the Board for anything done under this Act and the persons by whom and the manner in which such charges shall be paid;

(*d*) prescribing the records to be kept and the returns to be made by the Board;

(*e*) regulating the power of the Board to summon parties and witnesses under section 11 and the grant of expenses to witnesses;

(*f*) prescribing the place at which and the manner in which an agreement shall be registered under sub-section (ii) of section 12;

(*g*) prescribing the form of certificate to be granted under sub-section (ii) of section 13.

(*h*) prescribing the principles, powers and limitations under which an award under section 14 is to be granted.

(*i*) generally, for the purpose of carrying into effect the provisions of this Act.

General provisions regarding rules.

25. (i) All rules for which provision is made in this Act shall be made by *Our* Government and shall be consistent with this Act.

(ii) All rules shall be subject to the condition of previous publication.

(iii) In making any rule *Our* Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and where the breach is a continuing one, with further fine which may extend to ten rupees for every day after the first during which the breach has been persisted in.